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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5151**
Albert C. GYORKOS et al. : Attorney Docket No. 2007_0505
Serial No. 10/577,334 : Group Art Unit 4121
Filed April 28, 2006 : Examiner Alicia L. Fierro
NITROGEN-CONTAINING FUSED
HETEROCYCLIC COMPOUNDS : **Mail Stop: AMENDMENT**

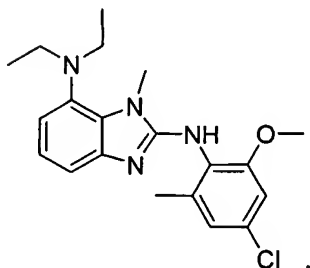
RESPONSE TO RESTRICTION/SPECIES ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction/Species Election Requirement dated December 31, 2008, Applicants hereby elect the invention identified as Group I, claims 1-12 and 17-18, drawn to a compound of formula (I), an agent and a prodrug comprised of said compound.

Applicants further elect N²-(4-chloro-2-methoxy-6-methylphenyl)-N⁷,N⁷-diethyl-1-methyl-1*H*-benzimidazole-2,7-diamine as the species of the compound. This compound can be found in Example 170, page 227, of the specification as filed. The structure of the claimed compound is shown below:



As required by the Office, the substituents of formula (I) are identified as follows:

Ring A = A'

X = C

X¹ = NR⁵

R⁵ = Hydrocarbyl

R¹ = (1) an amino substitute by two substituents selected from an optionally substituted Hydrocarbyl group

R² = optionally substituted Aryl

Z = NR⁴

R⁴ = H

Y₁, Y₂, Y₃ = Methyne

W = bond

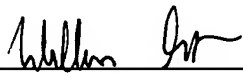
Applicants further elect depression as the species of the disease.

It is respectfully submitted that at least claims 1-3, 6, 8-12 and 17-18 are readable on the elected species.

Favorable action on the merits is now requested.

Respectfully submitted,

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